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2                   UNITED STATES DISTRICT COURT  
3                   WESTERN DISTRICT OF WASHINGTON  
4                   AT TACOMA

5                   ANDREW HIEB,

6                   Petitioner,

v.

7                   JEFFREY UTTECHT,

8                   Respondents.

9                   CASE NO. C19-5416 BHS

10                  ORDER ADOPTING REPORT  
11                  AND RECOMMENDATION

12                  This matter comes before the Court on the Report and Recommendation (“R&R”)  
13                  of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 13. The Court  
14                  having considered the R&R and the remaining record, and no objections having been  
15                  filed, does hereby find and order as follows:

- 16                  (1)     The R&R is **ADOPTED**;
- 17                  (2)     Petitioner’s federal habeas petition, Dkt. 6, is **DISMISSED without**  
18                  **prejudice**;
- 19                  (3)     A certificate of appealability is **DENIED**; and
- 20                  (4)     The Clerk shall enter **JUDGMENT** and close this case.

21                  Dated this 23rd day of September, 2019.

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BENJAMIN H. SETTLE  
United States District Judge